



Office of the Mayor and Council  
City of College Park  
8400 Baltimore Avenue, Suite 375  
College Park, Maryland 20740  
Telephone: (240) 487-3501

**NOTICE OF FINAL DECISION  
of the  
MAYOR AND COUNCIL  
of the  
CITY OF COLLEGE PARK**

RE: Case No. CPV-2021-05 Name: Rember R. Gomez-Orellana

Address: 5016 Mineola Road, College Park, MD 20740

Enclosed herewith is a copy of the Resolution setting forth the action taken by the Mayor and Council of the City of College Park in this case on the following date:

August 10, 2021.

**CERTIFICATE OF SERVICE**

This is to certify that on August 12, 2021 the attached Resolution was mailed, postage prepaid, to all persons of record.

**NOTICE**

Any person of record may appeal the Mayor and Council decision within thirty (30) days to the Circuit Court of Prince George's County, 14735 Main Street, Upper Marlboro, MD 20772. Contact the Circuit Court for information on the appeal process at (301) 952-3655.

Janeen S. Miller, CMC  
City Clerk

Copies to: Advisory Planning Commission  
City Attorney  
Applicant  
Parties of Record

PG Co. DER, Permits & Review Section  
M-NCPPC, Development Review Division  
City Public Services Department

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK  
ADOPTING THE RECOMMENDATION OF THE ADVISORY PLANNING  
COMMISSION REGARDING VARIANCE APPLICATION NUMBER CPV-2021-05,  
5016 MINEOLA ROAD, COLLEGE PARK, MARYLAND, RECOMMENDING  
APPROVAL OF VARIANCES FROM SECTION 27-120.01 (C) AND SECTION 27-442 (C)  
TABLE II FROM THE PRINCE GEORGE'S COUNTY ZONING ORDINANCE, TO  
CONSTRUCT A DRIVEWAY**

- WHEREAS,** the City of College Park ("City") has, pursuant to §190-1 *et seq.* of the Code of the City of College Park ("City Code"), and in accordance with Sec. 27-924 of the Prince George's County Zoning Ordinance ("Zoning Ordinance"), enacted procedural regulations governing any or all of the following: departures from design and landscaping standards, parking and loading standards, sign design standards, and variances for lot coverage, setback, and similar requirements for land within the corporate boundaries of the City, alternative compliance from landscaping requirements, certification, revocation, and revision of nonconforming uses, and minor changes to approved special exceptions; and
- WHEREAS,** the City is authorized by § 190-1 *et seq.* to grant an application for a variance where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of the specific parcel of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, and a variance can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan; and
- WHEREAS,** the Advisory Planning Commission ("APC") is authorized by §190-3 of the City Code to hear requests for variances from the terms of the Zoning Ordinance with respect to lot size, setback, and similar requirements including variances from Sec. 27-120.01(c ) and Sec. 27-442 (c) Table II of the Zoning Ordinance, and to make recommendations to the City Council in connection therewith; and
- WHEREAS,** Section 27-120.01 (c) provides that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling, except a townhouse or multifamily dwelling, in the area between the front street line and the sides of the dwelling; and
- WHEREAS,** Section 27-442 (c) Table II of the Zoning Ordinance specifies a maximum lot coverage of 30 percent in the R-55 zone; and
- WHEREAS,** on June 7, 2021, Rember R. Gomez-Orellana ("Applicant"), submitted an application for a variance of 84 square feet (3 feet x 28 feet) to allow parking in front of the house and a variance up to 0.6% or 30.07 square feet from the maximum allowable lot coverage of 30% or 1,500 square feet for a property located at 5016 Mineola Road, College Park ("Property"); and

**WHEREAS,** on July 1, 2021, the APC conducted a hearing on the merits of the variance at which the APC heard testimony and accepted evidence including the staff report, exhibits, and the staff presentation with respect to whether the subject application meets the standards for granting a variance set forth in §190-4 of the City Code

**WHEREAS,** based upon the evidence and testimony presented, the APC voted 5-0-0 to recommend the approval of the variance; and

**WHEREAS,** the Mayor and Council are authorized by §190-6 of the City Code to accept, deny or modify the recommendation of the APC or return the variance application to the Commission to take further testimony or reconsider its recommendation with respect to variance requests; and

**WHEREAS,** the Mayor and Council have reviewed the recommendation of the APC as to the application for a variance and in particular have reviewed the APC's findings of fact and conclusions of law; and

**WHEREAS,** no exceptions have been filed.

**NOW THEREFORE,** the Mayor and Council are in agreement with and hereby adopt the findings of fact and conclusions of law of the APC with regard to CPV-2021-05 to approve variances to permit a parking area encroachment in the front yard.

**Section 1 Findings of Fact**

- 1.1 The property is located at 5016 Mineola Road (Lot 21, Block O) in the Hollywood Subdivision, and is within the North College Park Community Association boundaries.
- 1.2 The property and immediate neighborhood are zoned R-55, single-family residential.
- 1.3 The property is a rectangular 50-foot by 100-foot lot with a total area of 5,000 square feet.
- 1.4 The property is improved with a 1,180.07 square foot, brick and frame house that was built in 1950, and a 70 square foot shed.
- 1.5 The narrow side yards (7-feet and 8.3-feet) prevent the installation of a standard 10-foot-wide driveway without encroaching in front of the house.
- 1.6 A standard curb-cut exists along the eastern frontage where the property owner wishes to install a driveway.
- 1.7 Of the 17 properties that front Mineola, 11 have driveways and 8 of these driveways or 73% encroach in front of the house.
- 1.8 Parking demand is high and curb space is limited. There is no permit parking along this section of the street.
- 1.9 The driveway encroachment ordinance was not adopted until 2002.
- 1.10 The homeowner has 2 vehicles. He would like to park at least one on his property. Currently, it is difficult for him to find parking for both cars on the street.



- 1.11 The new Zoning Ordinance will permit lot coverage in the R-55 zone to be 35% but it has not yet gone into effect.

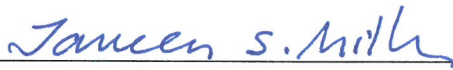
**Section 2 Conclusions of Law**


- 2.1 The property has an extraordinary condition in that the house was constructed in 1950, long before the driveway encroachment amendment to the County Zoning Ordinance in 2002. The placement of the house creates two narrow side yards that cannot accommodate a compliant driveway without encroaching in the front yard.
- 2.2 The strict application of the Zoning Ordinance will result in a practical difficulty by preventing the property owner from parking at least one of his two vehicles on his property.
- 2.3 Granting the driveway variance will not substantially impair the intent or purpose of the applicable County General Plan or County Master Plan since most of the properties with driveways on Mineola encroach in front of the house.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the City of College Park to approve CPV-2021-05 for variances to permit a parking area encroachment in the front yard of 84 square feet (3 feet x 28 feet) and a lot coverage variance of 0.6% or 30.07 square feet.

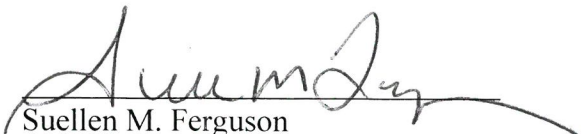
**ADOPTED**, by the Mayor and Council of the City of College Park at a regular meeting on the 10<sup>th</sup> day of August, 2021.

CITY OF COLLEGE PARK

  
Janeen S. Miller, CMC  
City Clerk

  
Patrick L. Wojahn, Mayor

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

  
Suellen M. Ferguson  
City Attorney